

ORDINANCE NO. 04-267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LOS ALTOS MUNICIPAL CODE BY AMENDING CHAPTERS
14.02, 14.06, 14.08, 14.10, 14.12, 14.66 AND 14.72 PERTAINING TO DEFINITIONS, THE
SINGLE FAMILY ZONING REGULATIONS, THE MISCELLANEOUS
REGULATIONS RELATIVE TO FENCING, AND THE FENCING REGULATIONS

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.070 of Chapter 14.02 of Title 14 of the Los Altos Municipal Code entitled "General Provisions and Definitions" is hereby replaced in its entirety with the following:

14.02.070 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Accessory structure" means a building that is incidental to and customarily associated with a specific principal use or facility.

"Advertising structure" means any notice of advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purpose of making anything known; the origin or place of sale of which is not on the property with such advertising structure.

"Agriculture" means the tilling of the soil or the raising of crops as a commercial operation.

"Alley" means a public way permanently reserved as a secondary means of access to abutting property.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders.

"Animal clinic" means a place where the public may obtain examinations, prescriptions, and treatment for small animals. Major surgery or confinement overnight shall be limited to emergency cases only.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Approving authority" means the legislative body, commission, committee or official of the City designated under the provisions of this Title as having the authority to approve or deny a particular type of application.

"Basement" means the following:

1. For all R1 zoning districts, basement means that portion of a structure located entirely below grade, with the exception of the top of such basement which may extend for a vertical distance not exceeding two feet from the outside grade to the finished floor above. As used herein, the term "grade" shall mean either the natural grade or finished grade adjacent to the exterior walls of the structure, whichever is lower. No portion of any structure with an exposed wall shall be considered a basement, with the exception of below grade garages that are screened from public view by either topography or built improvements.

2. For all other zoning districts, basement means that portion of a building between the floor and the ceiling, which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from the grade to the ceiling.

“Business or trade school” means a use, except a college or university, providing education or training in business, commerce, language, or other similar activity or pursuit, and not otherwise defined as a home occupation or private educational facility.

“Carport” means a covered area open on two or more sides designed for the storage of not more than three automobiles.

“Collection facility” means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, except as indicated in Chapter 14.68. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities that occupy an area of not more than five hundred (500) square feet and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;
 - c. Kiosk type units which may include permanent structures; and
 - d. Unattended containers placed for the donation of recyclable materials; and
3. Large collection facilities that may occupy an area of more than five hundred (500) square feet and may include permanent structures.

“Commercial recreation” means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services.

“Convalescent hospital” means a building and premises for the care of sick, injured, aged, or infirm persons to be housed or a place of rest for those who are bedfast or needing nursing care, but not including facilities for the treatment of sickness or injuries or for surgical care.

“Day-care center” means any group day-care program, except regular elementary schools. Included are day nurseries, nursery schools, play groups, and after-school groups.

“Daylight plane” for lots seventy (70) feet or greater in width, means an inclined plane beginning at a stated height above grade at each side property line and extending perpendicularly from the side property line into the site at a stated upward angle relative to the horizontal. For lots less than seventy (70) feet in width, the daylight plane begins at a stated height above grade at each second story setback line.

“District” means a portion of the incorporated area of the city within which certain regulations common to such portion controlling land use, site area, coverage, yards and other open spaces, height of structures, and other physical development standards apply under the provisions of this chapter.

“Drive-in facility” means any business or service that involves transactions between an attendant and a customer in a vehicle, including drive-in restaurants and car washes.

“Drive-in restaurant” means any building or structure in which food and drink are prepared for service to customers within vehicles outside such structure, including self-service restaurants for take-out food.

“Dwelling” means a structure containing one or more rooms and one kitchen designed for human occupancy.

“Farmers market” means a market certified by the state or county agricultural commission under Title 3, Chapter 3, Article 6.5 of the California Administrative Code which allows direct retail sale by farms to the public of such items as fruits, vegetables, nuts, eggs, honey, nursery stock, cut flowers, live animals and inspected meats and seafood.

“Floor area ratio” means the maximum ratio of gross floor area on a site to the total site area.

“Frontage” means the property line of a site abutting on a street. In the case of a corner lot, the frontage shall be that property line abutting on a street that does not result in the creation

of a nonconforming lot with respect to frontage, width or depth. If more than one property line of a corner lot abutting on a street can be designated as frontage without creating a nonconforming lot or structure, then either property line may be deemed the frontage.

“Garage” means an accessory structure or a portion of a main structure designed for the storage of automobiles.

“General hospital” means any building, or portion thereof, used for the accommodation and medical care of sick, injured, or infirm persons, including sanitariums, alcoholic sanitariums, and institutions for the cure of chronic drug addicts and mental patients.

“Gross floor area” means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages and enclosed accessory structures. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet.

The term “interior courts” as used herein means an area within the structure enclosed on all sides.

The term “enclosed accessory structure” means a structure with three or more walls, or an equivalent percentage of enclosure for an area with more than four walls, and a solid roof.

Gross floor area does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures exterior roof overhangs; interior heights less than five feet; or structures under six feet in height.

“Height of buildings” means the vertical height of a structure measured as provided in the specific regulations for all R1 zoning districts, and as provided in Section 14.66.260 for all other zoning districts.

“Height of fences and walls” means a vertical line from the highest point of the fence or wall to a point directly below. Where a fence is constructed upon a retaining wall, the height of the fence shall be the vertical distance measured from the top of the fence to the highest adjacent grade.

“Home occupation” means an occupation carried on in a home provided no assistants are employed and provided such use is conducted within a dwelling and carried on by the occupants of the property, and is clearly incidental to the residential use of the dwelling, and does not change the residential character or appearance of the dwelling or adversely affect the uses permitted in the residential district of which it is a part, and wherein no product, other than those produced on the premises, is sold and no mechanical equipment is used, other than that necessary for domestic purposes, and where there is no indoor or outdoor storage of materials, equipment, and/or supplies, other than those necessary for domestic purposes.

“Horticulture/Floriculture” means the growing of fruits, vegetables, or ornamental plants as a commercial operation.

“Hotel” means a structure in which there are three or more guest rooms or suites where lodging with or without meals is provided for compensation and where provisions for cooking may, or may not, be provided in any individual guest room or suite.

“Housing unit, non-transient” means a dwelling, mobile home or trailer, single room or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

“Housing unit, transient” means a dwelling, mobile home or trailer, single room or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any

other persons in the building and which have direct access from outside the building or through a common hall.

“Industry” means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

“Kennel” means any lot or premises on which four or more dogs and cats at least four months of age are kept, boarded, or trained, whether in special buildings or runways.

“Kitchen” means any room or area intended or designed to be used or maintained for the cooking, storing, and preparation of food.

“Loading space” means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space abuts on a street, alley, or other appropriate means of access.

“Lodging” means the furnishing of rooms or groups of rooms within a dwelling unit or an accessory structure to persons other than members of the family residing in said dwelling unit; or in the case of an accessory structure, a dwelling unit on the same site, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons.

“Lot” means a parcel of land consisting of a single lot of record.

1. Lot of record means a lot which is part of a subdivision and shown on a map thereof as recorded in the office of the County Recorder, or a legally created parcel of land described by metes and bounds or shown on a parcel map which has been so recorded.

2. Corner lot means a lot abutting the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the intersections of the lot lines with the street lines meet at an interior angle of one hundred thirty-five degrees or less, or if the centerline of the street abutting the lot has an interior angle over the distance of any curve of one hundred thirty-five degrees or less.

3. Interior lot means a lot other than a corner lot.

4. Flag lot means a lot having access to a street by means of a corridor of land not otherwise meeting the requirements of this Chapter for site width.

5. Double frontage lot means an interior lot having frontage on two parallel or approximately parallel streets.

“Lot line” means any boundary of a lot.

1. Front lot line means, on an interior lot, the lot line abutting a street, or, on a corner lot the shortest dimension of the lot fronting the street, or, on a double frontage lot, the lot line abutting the street providing the primary means of access to the lot, or, on a flag lot, the interior lot line most parallel to and nearest the street from which the means of access is obtained, except that where the average width of a flag lot exceeds its average depth and the longer dimension is considered the depth, the front lot line will be the property line from which the front yard is measured.

2. Rear lot line means the lot boundary opposite, or approximately opposite the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

3. Side lot line means any lot line which is not a front or rear lot line.

4. Interior lot line means any lot line not abutting a street.

5. Exterior lot line or street lot line means any lot line abutting a street.

6. The city planner shall assign or designate lot lines for irregular shaped parcels.

“Motel” means a group of attached or detached structures containing individual sleeping or living units, designed for or used primarily for transient guests, with a garage attached or parking space located in proximity to each unit, including auto courts, motor courts, motor ledges and tourist courts.

“Multiple-family dwelling” means a dwelling or group of dwellings on one site containing separate living units for two or more families that may have joint services or facilities or both.

“Nonconforming lot” means a lot that no longer conforms to the regulations for the district in which such lot is located.

“Nonconforming structure” means a structure, or a portion thereof, which no longer conforms to the regulations for the district in which such structure is located.

“Nonconforming use” means a use that no longer conforms to the use regulations for the district in which such use is located.

“Nursing home” means a structure in which sick, injured, or infirm persons are housed for compensation, including a convalescent home or rest home.

“Office uses” means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include banks and other financial institutions, law offices, accountants, medical, advertising, financial services and computer support.

“Outdoor recreation service” means a privately owned or operated use providing facilities for outdoor recreation activities, including golf, tennis, swimming, riding, or other outdoor sport or recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

“Parking facility” means an area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this title. Parking facility includes parking lots, garages, and parking structures.

“Parking space” means an off-street space, either enclosed in a structure or an open area, the principal use of which is the storage or parking of automotive vehicles.

“Personal grooming services” include, but are not limited to, the presence to a degree of twenty-five (25) percent of the business floor area or more of the following types of businesses and/or services: barbers; beauty salons and related services; cosmetologists; electrolysis; facial and/or skin care services; hair dressers and/or hair stylists; hair removal and/or replacement; manicurists; nail salons; pedicurists; permanent make-up; skin and body care services, piercing services, beauty colleges and tattooing services.

“Personal service” means uses that predominantly sell services of a personal convenience nature directly to the public, generally for consumer, household or business uses. Examples include dry cleaners and repair shops, but exclude personal grooming services, banks, financial services and medical offices. In the CRS zone, the planning director may only permit personal service uses where it is determined that the use would be consistent with the “village” atmosphere of the district, as set forth in the purposes of the CRS zone.

“Precise plan line” means a line established by an ordinance or other action of the council to control the location of structures with respect to an existing or proposed street, alley, parking space, or loading space.

“Principal living unit” means the primary dwelling on a single-family residential lot or parcel which dwelling contains one or more rooms and one kitchen designed for occupancy by one family for living and sleeping purposes.

“Property line” means a line bounding a parcel of real property.

“Recycling facility” means center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor shall mean a recycling facility certified by the Department of Conservation of the state as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facility shall not include storage containers or processing activity located on the premises of a residential, commercial, or

manufacturing use and used solely for the recycling of material generated by such residential property, business, or manufacturer.

“Repair garage” means a structure, or part thereof, where automotive vehicles are received for repairs to any part thereof.

“Residential care home for aged persons” means a structure in which nonmedical services are provided for persons sixty-two (62) years of age and over in accordance with standards set forth by the Social Welfare Department of the state.

“Restaurant” means any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate consumption on the premises, and includes any coffee shop, cafeteria, cafe, tavern, bar, soda fountain or dining room.

“Retail uses” means uses (except restaurants and cocktail lounges) that predominantly sell products rather than services, directly to the public, and generally for consumer or household use. Retail uses are designed to attract a high volume of walk-in customers and have floor space that is devoted predominantly to the display of merchandise to attract customers. Retail businesses may also provide incidental after-sales services, such as repair and installation, for the goods sold. The product(s) for sale shall typically be maintained on site and sales shall either be by unit or in small quantities, directly to the consumer.

“Reverse vending machine” means an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to, aluminum cans and glass or plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Scale” means proportionality in the relationship between a building and the size of parts to one another and to the human figure.

“Second living unit” means a second dwelling on a single-family.

“Service station” means an occupancy that provides for the servicing of motor vehicles, and operations incidental thereto including retail sales of gasoline, oil, tires, batteries, and new accessories.

“Site” means a lot, as defined in this chapter.

1. Gross site area means the total horizontal area included within the property lines of a single site.

2. Net site area means that portion of gross site area remaining after deducting therefrom the following:

a. Any portion of a site within the right-of-way of an existing public or private street, road or access easement, except an emergency access street.

b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map.

c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.

3. Site frontage means the length of the front lot line.

4. Site width means the horizontal distance between side lot lines, measured at right angles to the site depth at a point midway between the front and rear lot lines, or if there is no rear lot line, at the midway points of the intersecting side lot lines.

5. Site depth means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

6. Site coverage means the land area covered by all the structures on a site, including all projections except eaves.

“Storage garage” means a structure, or part thereof, used for the storage, parking, or servicing for compensation of automotive vehicles, but not for the repair thereof.

“Story” means a space in a structure between the surface of any floor and the surface of the floor or roof next above, but not including any basement, attic, or underfloor space.

“Street” means a public thoroughfare, dedicated to such or acquired for use as such, other than an alley, which affords the principal means of access to abutting property.

“Street line” means a boundary line between a street and abutting property.

“Structure” means anything constructed or erected which requires a location on the ground, but not including fences or walls used as fences.

“Take-out service” means a characteristic of an eating or drinking service that encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises or off-site.

“Transportation terminal” means a depot, terminal, or transfer facility for passenger transportation services.

“Yard” means an area within a lot, adjoining and measured from a lot, street or plan line for a specified distance, open and unobstructed except for the uses and structures otherwise permitted the regulations of this Chapter:

1. Yard measurement. Required yards shall be measured as the minimum horizontal distance from the lot line to a line parallel thereto on the site.

2. Front yard means a yard measured into a lot from the front lot line, extending the full width of the lot.

3. Rear yard means a yard measured into a lot from the rear lot line, extending the full width of the lot, provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line.

4. Side yard means a yard measured into a lot from a side lot line, extending between the front yard and the rear yard. An exterior side yard is a side yard measured from an exterior lot line or a street or plan line; an interior side yard is a side yard measured from an interior lot line.

SECTION 2. AMENDMENT OF CODE: Chapter 14.06 of Title 14 of the Los Altos Municipal Code entitled “R1-10 Single-Family District” is hereby replaced in its entirety with the following:

Chapter 14.06

R1-10 SINGLE-FAMILY DISTRICT

Sections:

14.06.010 R1-10 District.

14.06.020 Permitted uses (R1-10).

14.06.030 Conditional uses (R1-10).

14.06.040 Site area (R1-10).

14.06.050 Site frontage, width and depth (R1-10).

14.06.060 Coverage (R1-10).

- 14.06.070 Floor area ratio (R1-10).
- 14.06.080 Setbacks (R1-10).
- 14.06.090 Height of structures (R1-10).
- 14.06.100 Daylight plane (R1-10).
- 14.06.110 Basements (R1-10).
- 14.06.120 Accessory structures and swimming pools (R1-10).
- 14.06.130 Design control (R1-10).
- 14.06.140 Off-street parking (R1-10).
- 14.06.150 Signs (R1-10).
- 14.06.160 Fences (R1-10).
- 14.06.170 Nonconforming use regulations (R1-10).

14.06.010 R1-10 District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the R1-10 District, which shall include:

- A. Most properties in the General Plan designated Residential 2 - Single-Family; and
- B. Residential 3 - Single-Family Small Lot. Existing clusters of established small lots from four thousand (4,000) to nine thousand (9,000) square feet in the R1-10 Zoning District have been identified in the city's adopted General Plan. Where indicated, it is the intent of these regulations to allow for additional flexibility, in order to provide for house designs that are useable, proportional, and appropriate to smaller lots.
- C. The following shall apply to those areas designated in the Los Altos General Plan Residential 3 -- Single-Family Small Lot:
 - 1. Flag lots are not permitted; and
 - 2. Combining of existing small lots is not permitted, as it is not consistent with the city's intent to preserve existing small lots.

14.06.020 Permitted uses (R1-10).

The following uses shall be permitted in the R1-10 District:

- A. One-family residences, including private garages, carports, and other accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care and board and care homes as regulated by the California Health and Safety Code.

14.06.030 Conditional uses (R1-10).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-10 District:

- A. Community facilities, including large family day care, as provided in Chapter 14.70; and
- B. Flag lots.

14.06.040 Site area (R1-10).

The minimum site area shall be ten thousand (10,000) square feet, except that on corner lots the minimum site area shall be eleven thousand (11,000) square feet and on flag lots the minimum site area shall be fifteen thousand (15,000) square feet.

14.06.050 Site frontage, width and depth (R1-10).

- A. The minimum site frontage and width shall be eighty (80) feet and the minimum site depth shall be one hundred (100) feet, except that the minimum site width for a corner lot shall be ninety (90) feet and the minimum site frontage on a cul-de-sac turnaround shall be sixty (60) feet.
- B. The minimum width of the access corridor for each flag lot shall be twenty (20) feet, and shall access directly to a public or private street. The access corridor shall not connect to any portion of the turnaround space of a cul-de-sac.

14.06.060 Coverage (R1-10).

- A. The maximum coverage for all structures in excess of six feet in height shall be thirty-five (35) percent of the total area of the site where the height of one-story development does not exceed twenty (20) feet;
- B. The maximum coverage for all structures in excess of six feet in height shall be thirty (30) percent on sites where the height of one-story development exceeds twenty (20) feet or is developed with a two story structure;
- C. On sites where the lot coverage exceeds thirty (30) percent, two story structures shall not be allowed.

14.06.070 Floor area ratio (R1-10).

- A. For lots with a net site area not exceeding eleven thousand (11,000) square feet the maximum floor area shall be 35 percent of the net lot area.
- B. For lots with a net site area exceeding eleven thousand (11,000) square feet the maximum floor area shall be three thousand eight hundred fifty (3,850) square feet plus ten percent times the net lot area minus eleven (11,000) square feet.

14.06.080 Setbacks (R1-10).

- A. Except as noted below, the minimum setbacks shall be as follows:

Front:	25 feet
Interior Side:	
First Story:	10 feet
Second Story:	17.5 feet
Exterior Side:	20 feet
Rear:	25 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of 5 feet or greater from finish floor.
- D. On flag lots, the minimum width of side yards shall be fifteen (15) feet.
- E. On a lot less than seventy (70) feet in width for its entire length (hereinafter referred to as "narrow" lot) the minimum width of side yards shall be as follows:
 - 1. On a narrow corner lot, the minimum width of the side yard adjoining the street shall be twenty (20) percent of the average lot width but in no case less than ten (10) feet, whichever is greater.
 - 2. The minimum width of all other side yards on narrow lots shall be ten (10) percent of the average lot width but in no case less than five feet, whichever is greater, for any portion of a structure which is one story in height, with seven and one-half feet added for any portion of a

structure which is two stories in height, except the additional second story setback may be reduced to five feet if a thirty-five (35) foot front yard setback is provided.

3. Notwithstanding the provisions of Section 14.66.230 of Chapter 14.66, projections into the side yards of narrow lots shall not be permitted with the exception of chimneys, which shall not protrude more than two feet into the required side yard setback.

F. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:

1. The extension may only be applied to the first story.
2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

14.06.090 Height of structures (R1-10).

No structure shall exceed two stories or twenty-seven (27) feet in height from the natural grade. On flag lots the height of structures shall be limited to one-story and twenty (20) feet in height. Basements shall not be considered a story. When the lot coverage exceeds or is proposed to exceed thirty (30) percent, the maximum height of structures shall be twenty (20) feet.

14.06.100 Daylight plane (R1-10).

No structure shall extend above or beyond a daylight plane as follows:

- A. For lots seventy (70) feet or greater in width, the daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.
- B. On a lot, which is less seventy (70) feet in width for its entire length, the plane starts at a height of nineteen (19) feet at each second story setback line and proceeds inward at an angle of twenty-five (25) degrees.
- C. On a site where the grade slopes greater than ten (10) percent from side property line to side property line, the daylight plane at the lower side property line shall be measured from a point equal to the average elevation of the site and proceed inward at an angle of twenty-five (25) degrees.
- D. An extension of an existing gable roof may project over or beyond the daylight plane when it is determined by the city planner that such projection is necessary to maintain the architectural integrity of the structure.
- E. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.270.

14.06.110 Basements (R1-10).

Basements shall be regulated as follows:

- A. Basements shall not extend beyond the footprint of the main or accessory structure above.
- B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than six feet to a property line.
- C. Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited.

14.06.120 Accessory structures and swimming pools (R1-10).

A. Accessory structures may be located in the interior side yard setback in accordance with the following provisions:

1. The maximum width shall be five feet.
2. The maximum length shall be sixteen (16) feet.
3. The maximum coverage of the side yard shall be fifty (50) percent.
4. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.
5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures may be located in the exterior side yard setback in accordance with the following provisions:

1. The minimum setback shall be five feet.
2. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.

C. Accessory structures may be located in the required rear yard and shall not exceed six feet in height when located at the property line and may increase by one foot in height for each additional two and one-half feet of setback to a distance ten (10) feet from the property line.

D. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

E. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from the property line. Said structures shall not be located in the required front or side yard setback area.

14.06.130 Design control (R1-10).

As provided in Chapter 14.76 of this title.

14.06.140 Off-street parking (R1-10).

As provided in Chapter 14.74.

14.06.150 Signs (R1-10).

As provided in Chapter 11.04 of Title 11.

14.06.160 Fences (R1-10).

As provided in Chapter 14.72 of this title.

14.06.170 Nonconforming use regulations (R1-10).

As provided in Chapter 14.66 of this title.

SECTION 3. AMENDMENT OF CODE: Chapter 14.08 of Title 14 of the Los Altos Municipal Code entitled "R1-H Single-Family District" is hereby replaced in its entirety with the following:

Chapter 14.08

R1-H SINGLE-FAMILY DISTRICT

Sections:

- 14.08.010 R1-H District.
- 14.08.020 Permitted uses (R1-H).
- 14.08.030 Conditional uses (R1-H).
- 14.08.040 Site area (R1-H).
- 14.08.050 Site frontage, width and depth (R1-H).
- 14.08.060 Coverage (R1-H).
- 14.08.070 Floor area ratio (R1-H).
- 14.08.080 Setbacks (R1-H).
- 14.08.090 Height of structures (R1-H).
- 14.08.100 Daylight plane (R1-H).
- 14.08.110 Basements (R1-H).
- 14.08.120 Accessory structures and swimming pools (R1-H).
- 14.08.130 Design control (R1-H).
- 14.08.140 Off-street parking (R1-H).
- 14.08.150 Signs (R1-H).
- 14.08.160 Fences (R1-H).
- 14.08.170 Nonconforming use regulations (R1-H).

14.08.010 R1-H District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the R1-H District.

14.08.020 Permitted uses (R1-H).

The following uses shall be permitted in the R1-H District:

- A. One-family residences, including private garages, carports, and other accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care and board and care homes as regulated by the California Health and Safety Code.

14.08.030 Conditional uses (R1-H).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-H District:

- A. Community facilities, including large family day care, as provided in Chapter 14.70; and
- B. Flag lots.

14.08.040 Site area (R1-H).

- A. The minimum site area shall be twenty thousand (20,000) square feet, except that on corner lots the minimum site area shall be twenty one thousand (21,000) square feet.
- B. The planning commission may recommend and the city council may approve a reduction in the minimum lot area provided the lot area is not less than the area prescribed in Section 14.06.040 of this title and subject to the following findings:
 - 1. The majority of the abutting lots, located within the R1-H district, are ten thousand (10,000) square feet or less;
 - 2. The reduced lot size is advisable due to existing topographic conditions;
 - 3. The reduced lot size is consistent with sound planning practices; and
 - 4. The reduced lot size is consistent with the objectives in 14.02 of this title.
- C. Any lot in the R1-H District that is reduced below fifteen thousand (15,000) square feet shall conform to the coverage and yard requirements set forth in Chapter 14.06.

14.08.050 Site frontage, width and depth (R1-H).

- A. The minimum site frontage, width, and depth shall be one hundred (100) feet, except that the minimum site frontage on a cul-de-sac turnaround shall be sixty (60) feet.
- B. The minimum width of the access corridor for each flag lot shall be twenty (20) feet, and shall access directly to a public or private street. The access corridor shall not connect to any portion of the turnaround space of a cul-de-sac.

14.08.060 Coverage (R1-H).

- A. The maximum coverage for all structures in excess of six feet in height shall be twenty five (25) percent of the total area of the site.

14.08.070 Floor area ratio (R1-H).

- A. For lots with a net site area not exceeding eleven thousand (11,000) square feet the maximum floor area shall be 35 percent of the net lot area.
- B. For lots with a net site area exceeding eleven thousand (11,000) square feet the maximum floor area shall be three thousand eight hundred fifty (3,850) square feet plus ten percent times the net lot area minus eleven (11,000) square feet.

14.08.080 Setbacks (R1-H).

- A. Except as noted below, the minimum setbacks shall be as follows:

Front:	30 feet
Interior Side:	
First Story:	20 feet (25 feet if height exceeds 22 feet)
Second Story:	25 feet
Exterior Side:	25 feet
Rear:	50 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of 5 feet or greater from finish floor.
- D. On flag lots the minimum setbacks shall be as follows:
 - 1. The required front yard and rear yard setback for single story homes greater than 22 feet in height and two-story homes shall be twenty-five (25) feet.
 - 2. The minimum width of the side yard shall be thirty (30) feet.

E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:

1. The extension may only be applied to the first story.
2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

14.08.090 Height of structures (R1-H).

No structure shall exceed two stories or twenty-seven (27) feet in height from the natural grade. On flag lots the height of structures shall be limited to one-story and twenty (20) feet in height. Basements shall not be considered a story.

14.08.100 Daylight plane (R1-H).

No structure shall extend above or beyond a daylight plane as follows:

- A. The daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.
- B. On a site where the grade slopes greater than ten (10) percent from side property line to side property line, the daylight plane at the lower side property line shall be measured from a point equal to the average elevation of the site and proceed inward at an angle of twenty-five (25) degrees.
- C. An extension of an existing gable roof may project over or beyond the daylight plane when it is determined by the city planner that such projection is necessary to maintain the architectural integrity of the structure.
- D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.270.

14.08.110 Basements (R1-H).

Basements shall be regulated as follows:

- A. Basements shall not extend beyond the footprint of the main or accessory structure above.
- B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than six feet to a property line.
- C. Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited.

14.08.120 Accessory structures and swimming pools (R1-H).

A. Accessory structures may be located in the interior side yard setback in accordance with the following provisions:

1. The maximum width shall be five feet.
2. The maximum length shall be sixteen (16) feet.
3. The maximum coverage of the side yard shall be fifty (50) percent.

4. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.

5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures may be located in the exterior side yard setback in accordance with the following provisions:

1. The minimum setback shall be five feet.

2. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.

C. Accessory structures may be located in the required rear yard and shall not exceed six feet in height when located at the property line and may increase by one foot in height for each additional two and one-half feet of setback to a distance ten (10) feet from the property line.

D. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

E. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from the property line. Said structures shall not be located in the required front or side yard setback area.

14.08.130 Design control (R1-H).

As provided in Chapter 14.76 of this title.

14.08.140 Off-street parking (R1-H).

As provided in Chapter 14.74.

14.08.150 Signs (R1-H).

As provided in Chapter 11.04 of Title 11.

14.08.160 Fences (R1-H).

As provided in Chapter 14.72 of this title.

14.08.170 Nonconforming use regulations (R1-H).

As provided in Chapter 14.66 of this title.

SECTION 4. AMENDMENT OF CODE: Chapter 14.10 of Title 14 of the Los Altos Municipal Code entitled "R1-20 Single-Family District" is hereby replaced in its entirety with the following:

Chapter 14.10

R1-20 SINGLE-FAMILY DISTRICT

Sections:

14.10.010 R1-20 District.

- 14.10.020 Permitted uses (R1-20).
- 14.10.030 Conditional uses (R1-20).
- 14.10.040 Site area (R1-20).
- 14.10.050 Site frontage, width and depth (R1-20).
- 14.10.060 Coverage (R1-20).
- 14.10.070 Floor area ratio (R1-20).
- 14.10.080 Setbacks (R1-20).
- 14.10.090 Height of structures (R1-20).
- 14.10.100 Daylight plane (R1-20).
- 14.10.110 Basements (R1-20).
- 14.10.120 Accessory structures and swimming pools (R1-20).
- 14.10.130 Design control (R1-20).
- 14.10.140 Off-street parking (R1-20).
- 14.10.150 Signs (R1-20).
- 14.10.160 Fences (R1-20).
- 14.10.170 Nonconforming use regulations (R1-20).

14.10.010 R1-20 District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the R1-20 District.

14.10.020 Permitted uses (R1-20).

The following uses shall be permitted in the R1-20 District:

- A. One-family residences, including private garages, carports, and other accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care and board and care homes as regulated by the California Health and Safety Code.

14.10.030 Conditional uses (R1-20).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-20 District:

- A. Community facilities, including large family day care, as provided in Chapter 14.70; and
- B. Flag lots.

14.10.040 Site area (R1-20).

The minimum site area shall be twenty thousand (20,000) square feet, except that on corner lots the minimum site area shall be twenty one thousand (21,000) square feet.

14.10.050 Site frontage, width and depth (R1-20).

- A. The minimum site frontage, width, and depth shall be one hundred (100) feet, except that the minimum site frontage on a cul-de-sac turnaround shall be sixty (60) feet.
- B. The minimum width of the access corridor for each flag lot shall be twenty (20) feet, and shall access directly to a public or private street. The access corridor shall not connect to any portion of the turnaround space of a cul-de-sac.

14.10.060 Coverage (R1-20).

The maximum coverage for all structures in excess of six feet in height shall be twenty-five (25) percent of the total area of the site.

14.10.070 Floor area ratio (R1-20).

- A. For lots with a net site area not exceeding eleven thousand (11,000) square feet the maximum floor area shall be 35 percent of the net lot area.
- B. For lots with a net site area exceeding eleven thousand (11,000) square feet the maximum floor area shall be three thousand eight hundred fifty (3,850) square feet plus ten percent times the net lot area minus eleven (11,000) square feet.

14.10.080 Setbacks (R1-20).

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	30 feet
Interior Side:	
First Story:	20 feet (25 feet if height exceeds 22 feet)
Second Story:	25 feet
Exterior Side:	25 feet
Rear:	35 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of 5 feet or greater from finish floor.
- D. On flag lots the minimum setbacks shall be as follows:
 - 1. The required front yard and rear yard setback for single story homes greater than 22 feet in height and two-story homes shall be twenty-five (25) feet.
 - 2. The minimum width of side yards shall be thirty (30) feet.
- E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:
 - 1. The extension may only be applied to the first story.
 - 2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
 - 3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

14.10.090 Height of structures (R1-20).

No structure shall exceed two stories or twenty-seven (27) feet in height from the natural grade. On flag lots the height of structures shall be limited to one-story and twenty (20) feet in height. Basements shall not be considered a story.

14.10.100 Daylight plane (R1-20).

No structure shall extend above or beyond a daylight plane as follows:

- A. The daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.

B. On a site where the grade slopes greater than ten (10) percent from side property line to side property line, the daylight plane at the lower side property line shall be measured from a point equal to the average elevation of the site and proceed inward at an angle of twenty-five (25) degrees.

C. An extension of an existing gable roof may project over or beyond the daylight plane when it is determined by the city planner that such projection is necessary to maintain the architectural integrity of the structure.

D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.270.

14.10.110 Basements (R1-20).

Basements shall be regulated as follows:

A. Basements shall not extend beyond the footprint of the main or accessory structure above.

B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than six feet to a property line.

C. Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited.

14.10.120 Accessory structures and swimming pools (R1-20).

A. Accessory structures may be located in the interior side yard setback in accordance with the following provisions:

1. The maximum width shall be five feet.
2. The maximum length shall be sixteen (16) feet.
3. The maximum coverage of the side yard shall be fifty (50) percent.
4. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.
5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures may be located in the exterior side yard setback in accordance with the following provisions:

1. The minimum setback shall be five feet.
2. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.

C. Accessory structures may be located in the required rear yard and shall not exceed six feet in height when located at the property line and may increase by one foot in height for each additional two and one-half feet of setback to a distance ten (10) feet from the property line.

D. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

E. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from the property line. Said structures shall not be located in the required front or side yard setback area.

14.10.130 Design control (R1-20).

As provided in Chapter 14.76 of this title.

14.10.140 Off-street parking (R1-20).

As provided in Chapter 14.74.

14.10.150 Signs (R1-20).

As provided in Chapter 11.04 of Title 11.

14.10.160 Fences (R1-20).

As provided in Chapter 14.72 of this title.

14.10.170 Nonconforming use regulations (R1-20).

As provided in Chapter 14.66 of this title.

SECTION 5. AMENDMENT OF CODE: Chapter 14.12 of Title 14 of the Los Altos Municipal Code entitled "R1-40 Single-Family District" is hereby replaced in its entirety with the following:

Chapter 14.12

R1-40 SINGLE-FAMILY DISTRICT

Sections:

14.12.010 R1-40 District.

14.12.020 Permitted uses (R1-40).

14.12.030 Conditional uses (R1-40).

14.12.040 Site area (R1-40).

14.12.050 Site frontage, width and depth (R1-40).

14.12.060 Coverage (R1-40).

14.12.070 Floor area ratio (R1-40).

14.12.080 Setbacks (R1-40).

14.12.090 Height of structures (R1-40).

14.12.100 Daylight plane (R1-40).

14.12.110 Basements (R1-40).

14.12.120 Accessory structures and swimming pools (R1-40).

14.12.130 Design control (R1-40).

14.12.140 Off-street parking (R1-40).

14.12.150 Signs (R1-40).

14.12.160 Fences (R1-40).

14.12.170 Nonconforming use regulations (R1-40).

14.12.010 R1-40 District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the R1-40 District.

14.12.020 Permitted uses (R1-40).

The following uses shall be permitted in the R1-40 District:

- A. One-family residences, including private garages, carports, and other accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care and board and care homes as regulated by the California Health and Safety Code.

14.12.030 Conditional uses (R1-40).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-40 District:

- A. Community facilities, including large family day care, as provided in Chapter 14.70; and
- B. Flag lots.

14.12.040 Site area (R1-40).

The minimum site area shall be forty thousand (40,000) square feet, except that on corner lots the minimum site area shall be forty one thousand (41,000) square feet.

14.12.050 Site frontage, width and depth (R1-40).

- A. The minimum site frontage, width, and depth shall be one hundred fifty (150) feet, except that the minimum site frontage on a cul-de-sac turnaround shall be sixty (60) feet.
- B. The minimum width of the access corridor for each flag lot shall be twenty (20) feet, and shall access directly to a public or private street. The access corridor shall not connect to any portion of the turnaround space of a cul-de-sac.

14.12.060 Coverage (R1-40).

The maximum coverage for all structures in excess of six feet in height shall be twenty (20) percent of the total area of the site.

14.12.070 Floor area ratio (R1-40).

- A. For lots with a net site area not exceeding eleven thousand (11,000) square feet the maximum floor area shall be 35 percent of the net lot area.
- B. For lots with a net site area exceeding eleven thousand (11,000) square feet the maximum floor area shall be three thousand eight hundred fifty (3,850) square feet plus ten percent times the net lot area minus eleven (11,000) square feet.

14.12.080 Setbacks (R1-40).

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	50 feet
Interior Side:	
First Story:	30 feet
Second Story:	30 feet
Exterior Side:	30 feet

Rear:

50 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of 5 feet or greater from finish floor.
- D. On flag lots the minimum width of side yards shall be fifty (50) feet.
- E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:
 - 1. The extension may only be applied to the first story.
 - 2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
 - 3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

14.12.090 Height of structures (R1-40).

No structure shall exceed two stories or twenty-seven (27) feet in height from the natural grade. On flag lots the height of structures shall be limited to one-story and twenty (20) feet in height. Basements shall not be considered a story.

14.12.100 Daylight plane (R1-40).

No structure shall extend above or beyond a daylight plane as follows:

- A. The daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.
- B. On a site where the grade slopes greater than ten (10) percent from side property line to side property line, the daylight plane at the lower side property line shall be measured from a point equal to the average elevation of the site and proceed inward at an angle of twenty-five (25) degrees.
- C. An extension of an existing gable roof may project over or beyond the daylight plane when it is determined by the city planner that such projection is necessary to maintain the architectural integrity of the structure.
- D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.270.

14.12.110 Basements (R1-40).

Basements shall be regulated as follows:

- A. Basements shall not extend beyond the footprint of the main or accessory structure above.
- B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than six feet to a property line.
- C. Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited.

14.12.120 Accessory structures and swimming pools (R1-40).

A. Accessory structures may be located in the interior side yard setback in accordance with the following provisions:

1. The maximum width shall be five feet.
2. The maximum length shall be sixteen (16) feet.
3. The maximum coverage of the side yard shall be fifty (50) percent.
4. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.
5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures may be located in the exterior side yard setback in accordance with the following provisions:

1. The minimum setback shall be five feet.
2. The maximum height shall be six feet; provided the accessory structure shall be screened from off-site view with solid fencing which is erected in conformance with the provisions of Chapter 14.72 of this chapter and which is no lower in height than the accessory structure.

C. Accessory structures may be located in the required rear yard and shall not exceed six feet in height when located at the property line and may increase by one foot in height for each additional two and one-half feet of setback to a distance ten (10) feet from the property line.

D. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

E. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from the property line. Said structures shall not be located in the required front or side yard setback area.

14.12.130 Design control (R1-40).

As provided in Chapter 14.76 of this title.

14.12.140 Off-street parking (R1-40).

As provided in Chapter 14.74.

14.12.150 Signs (R1-40).

As provided in Chapter 11.04 of Title 11.

14.12.160 Fences (R1-40).

As provided in Chapter 14.72 of this title.

14.12.170 Nonconforming use regulations (R1-40).

As provided in Chapter 14.66 of this title.

SECTION 6. AMENDMENT OF CODE: Sections 14.66.020, 14.66.250, 14.66.280, 14.66.290, and 14.66.330 of Title 14 of the Los Altos Municipal Code entitled "General Standards and Exceptions" are hereby deleted. All remaining Sections are to be renumbered sequentially. Section 14.66.230 is hereby replaced in its entirety with the following:

14.66.230 Yard requirements--Exceptions.

A. Canopies, chimneys, cornices, eaves, overhangs, and similar architectural features may extend into any required side yard not more than four feet and may extend into any required front or rear yard not more than four feet.

B. Window surfaces, such as bay windows and greenhouse windows, may extend into any required side yard not more than eighteen (18) inches and may extend into any required front or rear yard not more than eighteen (18) inches provided such projections do not extend vertically between stories and provided the findings set forth in Chapter 14.78 of this title regarding design review can be made.

C. Fire escapes, landings, and uncovered decks and porches may extend into a required rear yard up to six feet, but shall be no closer to the side property line as the side yard setback prescribed for that lot. Decks, walkways and other hardscape surfaces no more than six inches above grade may go up to any property line.

D. Fences, walls, hedges, walks, driveways, or necessary retaining walls may occupy any required yard or other open space, subject to the provisions of Chapter 14.72 regulating fences.

SECTION 7. AMENDMENT OF CODE: Section 14.72.020 of Chapter 14.72 of Title 14 of the Los Altos Municipal Code entitled "Fence Regulations" is hereby replaced in its entirety with the following:

14.72.020 Maximum fence heights.

The maximum height of any fence, wall, or other similar structure erected, constructed, or maintained in the city shall not exceed six feet, with the following exceptions:

A. No fence located within the required front yard setback and no fence located within five feet of the exterior side property line of a corner lot shall exceed four feet in height.

B. The city planner may approve an exception to allow the exterior side yard of a corner lot to be considered the front yard, and adjust the other yard orientations accordingly, for the purposes of fencing. This exception may be granted only when it is clear that this alternative orientation is consistent with the orientation of the home itself.

C. In order to insure visibility, no fence exceeding three feet in height shall be located within a twenty-five (25) foot triangle at the intersection of two streets as outlined in Exhibit "A" of this chapter.

D. In order to insure visibility, no fence exceeding four feet in height shall be located within a fifteen (15) foot triangle on either side of a driveway where it intersects with a street as outlined in Exhibit "A" of this chapter.

E. The provisions of subsection (D) of this section shall apply in those instances where a driveway on an adjoining property is located within fifteen (15) feet of the intersection of a rear property line and a secondary street property line of a corner lot or where such adjoining property is vacant as outlined on Exhibit "B" of this chapter.

F. Fences or walls may exceed six feet in height:

1. For the purposes of providing noise attenuation and screening between residential and commercial properties as required by the Los Altos general plan and as provided for in Chapters 14.32, 14.34, 14.36, 14.38, 14.40, 14.46, 14.48, 14.50, 14.54 of this title.

2. In conjunction with an assessment district for the purposes of attenuating noise as determined by an acoustical analysis.

3. In conjunction with city, county, state, or federal road projects for the purpose of attenuating noise as determined by an acoustical analysis.

4. To allow up to two feet of lattice, or material other than lattice that is typically at least fifty (50) percent open to the passage of light and air when viewed horizontally, to be added to the top of a fence or wall in the rear or side yards, and provided the lattice is determined by the city planner to be substantially open to the passage of light and air and compatible with the design and materials of the fence or wall.

G. Decorative columns, post caps or similar features not more than one foot in height may be added on top of fences or walls which adjoin a street or public walkway, or those fences or walls which the city planner determines to be physically detached from an adjoining residential property. Such features would typically not be less than eight feet apart, and must be consistent with the design and materials of the fence or wall.

H. A single arbor-style entry element, substantially open to the passage of light and air, may be allowed on a residential property provided the entry element is located over a walkway or pathway, and does not exceed eight feet in height, five feet in width, and three feet in depth. The entry element shall not be considered as lot coverage.

SECTION 8. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 9. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 10. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on September 14, 2004 and was thereafter, at a regular meeting held on September 28, 2004 passed and adopted by the following vote:

Ayes: COLE, PACKARD, CASAS, LEAR, MOSS
Noes: NONE
Absent: NONE



John Moss, MAYOR

Attest:



Susan Kitchens, CITY CLERK